

20 April 2018

Mr M Heron
Planning Services
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By Email

Dear Mr Heron

**Planning Application Reference CB/17/05480/FULL
Land at Staples Garden Centre, Fordfield Road, Millbrook, Bedfordshire, MK45 2HZ
Proposed Use of Land for Storage, Refurbishment and Hire of Temporary and Portable Buildings**

Further to our recent correspondence, we write in relation to the above. Specifically, we write in response to the comments received on behalf of Centre Parcs. Unfortunately, we have only recently been made aware of their submissions and been provided with a copy of their comments. We do not seek to provide a detailed rebuttal of this, but instead focus on the key points raised within their comments.

In addition, we have been able to review the Officer's Report to Committee, which has now been published. From this we note the absence of any technical objections to the application, and welcome the Officer's recommendation that planning permission be granted.

Context of the Representations

Before reviewing the comments that have been submitted on behalf of Centre Parcs, we would first wish to outline the context of their submission. In particular, the Council should be aware that Centre Parcs previously attempted to purchase the Application Site.

A formal offer was presented to the owner in 2014 and we attach a copy of their correspondence. The existing garden centre on the site was already in decline at that time, and the Application Site was on the market with an asking price of £2.5m. It is apparent that the offer of £750,000 by Centre Parcs fell well short of the market value and it was rejected accordingly. The firm tried again to purchase the site when their leisure complex was being developed, and again following its completion.

It is therefore evident that Centre Parcs has long held a commercial desire to purchase the Application Site. Any permission that would allow an alternative occupier on the site would of course end any such opportunity. On the other hand, the refusal of permission and the preclusion of alternative uses might be considered to enhance their position as a prospective purchaser; indeed, it can be seen that their objection letter specifically hints that "the use of the site for a use more compatible with the Centre Parcs village would be more in keeping ...".

While this is not of course a planning matter, it is nevertheless helpful to understand the potential context of their representations.

Accordance with Green Belt Policies

Turning to consider the arguments presented, it is essentially asserted that the proposal is 'inappropriate development' in the Green Belt and that very special circumstances are required to justify the proposal. It is suggested that the relevant policies have been wrongly applied.

Dealing first with whether or not the proposal is 'inappropriate development', our assessment has noted that the relevant policies make specific provision for "limited infilling or the partial or complete redevelopment of previously developed sites ... which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

The representations do not contest that the site comprises previously developed land and this is readily apparent. It is also clear that the land accommodates a significant number of existing buildings. They do however suggest that a 'purely volumetric' approach has been taken when comparing the existing and proposed buildings.

We have naturally considered the difference in volume and built development, and this shows that the site currently accommodates some 3,882sqm of existing built footprint (excluding existing hardstanding and car parking etc). By comparison the proposed buildings would result in a footprint of just 1,567sqm; representing a reduction in the order of 60%. This reduction is significant and can only have a positive impact on 'openness'. It is not unsurprising therefore that the representations have sought to deflect from this comparison.

Regardless, this is not the only matter that has been taken into account in considering openness and we would note the following factors, amongst others:

- The proposed development will consolidate buildings within the site, minimising sprawl;
- The position of the proposed buildings maximises the benefits of existing screening;
- The most prominent building (immediately opposite the site's entrance) will be demolished; and
- The proposed storage element is transient.

Accordingly, we have not focused exclusively or purely on a volumetric calculation, but also considered the wider effects of the development and taken account of these matters cumulatively. Even if it is held that the development is 'inappropriate', these factors remain a relevant material consideration when balancing any 'harm' against the benefits that will arise.

A further point that is raised concerns the visibility of the development, suggesting that harm to openness may occur regardless of whether or not development is visible. In principle, this is not contested. However, it remains that the visibility of the development (or otherwise) is still relevant when considering the extent of that harm. On this point, we would refer to an appeal decision concerning a proposal for a change of use of land to provide a cemetery together with the erection of two pavilion buildings, following the demolition of existing agricultural buildings [APP/B5480/W/15/3132860].¹ The case concerned "a large undeveloped plot, well screened by hedges and trees around its boundaries ... " [§208]. When assessing the impact, the Inspector considered various matters including the visibility of development, stating [§217 to §218]:

" ... When openness is reduced, the harm takes place regardless of whether or not it is visible or witnessed. To my mind, however, the extent to which it is visible has some effect on the level of harm. In this case visitors to the site, who could number several hundred every day, would be well aware that it contained development. Due to the screening hedge and other vegetation around the boundary, which would be largely retained, the majority of people beyond that boundary would notice little change from the site as it is now ...

¹ APP/B5480/W/15/3132860 Dated 23 January 2017

... All in all, the openness of the site would be harmed but there are factors ... which temper that harm. My conclusion is, therefore, that the harm to openness would be limited ... "

The decision was referred to the Secretary of State who endorsed the Inspector's conclusions.

Accordingly, the considerable extent of existing screening and the very limited visibility of the proposed development cannot be entirely discounted, as the representations would appear to imply. It is also interesting to note that Centre Parcs adopted this view when seeking permission for their own proposals: at that time, they contended that although their development would cause "some change", "views of it would not be altered" [Appeal Decision APP/J0215/A/06/2024005 §63].

Finally on this point, we would note that a detailed 'Landscape Visual Appraisal' accompanied our application. This set out an assessment of the proposed development and its effect on the character of the landscape. The assessment took account of views from surrounding footpaths, as well as other long distance views. It demonstrated that the redevelopment of the site for another commercial use would be appropriate and not cause significant harm to the site and its localised or wider setting, concluding that:

" ... the site and the receiving environment have the capacity to accommodate sensitively designed redevelopment that will respond to the localised context and will not result in significant harm to the landscape character, visual environment or 'openness' of the Green Belt and it supportable from a landscape and visual perspective ... "

The comments on behalf of Centre Parcs make no reference to the Landscape Visual Appraisal, and the Council's Tree and Landscape Officer has similarly raised no objection to the application.

Very Special Circumstances

Even if it is held that the development is 'inappropriate' in the Green Belt, we consider that very special circumstances exist that nevertheless justify the proposed development having regard to the limited harm caused to openness. These are noted in the Officer's Report to Committee and we would concur with their assessment. In particular, these factors include:

- The continued decline of the existing garden centre means that alternative uses are inevitable;
- The critical need for an existing employer to relocate from their current premises in Ampthill;
- The lack of any alternative site outside the Green Belt to accommodate the proposed development; and
- The significant net increase in employment generation that will arise;

The job creation is particularly significant. The existing garden centre currently employs only four people, whereas the proposed development would generate approximately 30 jobs. The relocation to this site will allow Wernick Hire to grow; as their existing location is limited in size many of their orders are handled by depots elsewhere, whereas the new site would mean that the Millbrook Depot would be able to satisfy all of the requirements within the region. Accordingly, new jobs would be created immediately. These include jobs in sales and managerial roles as well as skilled manual jobs associated with the refurbishment of the buildings. This level of employment on such a modest site is significant, particularly when compared to other 'large format' employment uses such as warehouses.

Officers conclude that in the overall balancing exercise, "very special circumstances exist and that the matters in favour of this scheme clearly outweigh the cumulative harm that arises". We would agree with this conclusion.

We would also note that the grant of permission on the basis of very special circumstances is not dissimilar to the circumstances when planning permission was granted for Centre Parcs. The Secretary of State noted that

the proposed holiday village on what was then open farmland, was "inappropriate" and would result in "very considerable harm" [APP/J0215/A/06/2024005 DCLG 5 September 2007 §10]. Nevertheless, it was considered acceptable given the benefits. This is in effect the same judgement for our proposals; except of course the harm is markedly less, and the benefits are naturally proportionately different.

Other Matters

There are a number of other matters that we would comment briefly on.

In the first instance, the need for the proposal and the availability of alternative locations is questioned. It is however shown in our submissions that there is a pressing need for Wernick Hire to leave their existing premises in Ampthill. Their lease has already expired and they are under increasing pressure to vacate. Their existing site no longer meets their needs and has no capacity to expand. The Council's own Business Investment Officers recognise this in their response, and moreover, that "there are no realistic alternative sites within Employment Areas or in other areas outside of the Green Belt for this particular use". Wernick Hire has been searching for a site in the area for over four years without success.

In addition, Centre Parcs allege that the footfall past the site has increased since the opening of their operations, and that no commercial evidence is provided to support the suggestion that the existing garden centre has become unviable. There is of course no policy requirement to do so, but the local planning authority will be aware that the site has been on the market for many years and there has been no interest in its continued use as a garden centre. Moreover, it is quite apparent that there has been significant competition in the market from nearby garden centres, supermarkets and large DIY stores that increasingly compete in this market. Furthermore, the existing significant screening around the site means that those passing cannot see the garden centre.

The viability or otherwise of the existing business is evident in the accounts of Staples Garden Centre, which show that the turnover has steadily declined in recent years. The turnover in 2014 was £899,639, but this has reduced year on year and was just £509,331 in 2018. Accordingly, there has been a reduction of 43% in the last five years. This is similarly reflected in the profit and loss, which shows that the business has made a loss in three of the last five years. Where a marginal profit has been made, it has been less than 3% of the turnover, and was only the case because the owners did not take any remuneration. These figures demonstrate without question that the existing business cannot be sustained.

Finally, the comments from Centre Parcs refer to the compatibility of the use, suggesting that the proposed use would be a "poor neighbour". They refer specifically to matters of noise; traffic generation; and visual amenity. On these points, we would suggest that any concerns are wholly unfounded and the proposed use is not one that will cause disturbance, or indeed any other impact on their operations. For example:

- Opening hours are limited, and there would be no activity during the evenings or night time;
- Any weekend activity would be extremely infrequent;
- The activities associated with the proposal are not noisy (painting, rewiring of buildings etc);
- The proposal generates few vehicular movements, and unlikely to generate any increase in traffic;
- No parking is needed for HGV's etc, as these are not retained on the site;
- The activities will not be visible from the road, or from within Centre Parcs.

We would also note that the sleeping accommodation within Centre Parcs is also over 85m from the site's boundary, with dense woodland and a substantial landscape bund intervening.

Thus taking account of this and the factors identified above, the proposed development will not result in any harm to amenity and the Council's Environmental Health Officer has confirmed this. Similarly, the Highways

Authority has raised no objection to the development and confirmed that it is acceptable viewed in context with the adjacent facilities. The Public Rights of Way Officer has further confirmed that the proposal will not impact upon the enjoyment of the adjacent right of way. There is therefore, no evidence to support the claims made by Centre Parcs.

In conclusion, any suggestions to that the proposal will result in harm in relation to these matters are wholly unsubstantiated. It should also be noted that the application is for a very specific, Sui Generis use: it is not seeking permission for any generic commercial or industrial activity that might change or intensify over time. The permission will in effect only allow Wernick Hire to occupy the site and any alternative uses would need permission. This ensures that there is continued control over the future of the site.

Conclusion

In conclusion, we remain of the view that the proposed development satisfies relevant planning policies. Whether or not it is concluded that the development is 'appropriate' in the Green Belt, it remains that this proposal relates to previously developed land and that its effect on the character of the landscape will be fundamentally unaltered. The extent of any harm to openness must therefore be considered minimal.

It is also evident that very special circumstances do exist, and in particular the need to retain an established local business that will generate a significant number of employment opportunities. Their existing lease has already expired and if they are unable to find alternative premises immediately, they will be forced to leave the district. These circumstances clearly outweigh any limited harm caused to the openness of the Green Belt. We would therefore agree with the Officer's conclusion that planning permission should be granted for the proposed development.

The motive behind the representations is questionable given their desire to purchase the site, together with their explicit suggestion that a use more compatible with Centre Parcs would be more in keeping. Finally, we would refer to the comments made by Centre Parcs themselves during the appeal for their own proposal, stating that [Appeal Decision APP/J0215/A/06/2024005 §64]:

" ... So whilst it is understandable that some who live near the appeal site would prefer the development to take place somewhere else, their objections should not lead to the scheme being turned away ... "

Their comment is equally relevant to our own proposal.

I trust that the comments above are of assistance, and would be pleased to answer any queries you may have.

Yours sincerely



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Encl

cc Mr D Wernick Wernick Hire
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